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## TELECOPIER COVER SHEET

**OFFICIAL****Client/Matter Nos:** 7390/71620**Date:** January 8, 2004

The transmission that follows totals 3 pages, including this cover sheet. Please deliver immediately to the following:

**Attn:** Examiner Sam Chuan C. Yao  
Art Unit 1733**Fax:** 703 872-9310**Re:** U.S. Application No. 09/903,680  
NISHIDA et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

**COMMENTS:**

**CERTIFICATE OF FACSIMILE:** I hereby certify this paper (Response to Second Requirement for Restriction) is being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Examiner Sam Chuan C. Yao, on this day of January 8, 2004.

Kendrew H. Colton, Reg. No. 30,368

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/903,680	Confirmation No.:	4286
Applicant	:	NISHIDA et al.		
Filed:	:	July 13, 2001		
TC/A.U.	:	1733		
Examiner	:	Samchuan Cua Yao		
Docket No.	:	7390/71620		
Customer No.	:	22242		

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Arlington, VA 22202

January 8, 2004

**RESPONSE TO SECOND REQUIREMENT FOR RESTRICTION**

Sir:

Applicants respond to the December 18, 2003 requirement for restriction between Group I claims 1, 3, 6, 17-19 and Group II claims 2, 3-4, 6, 17-18 assuming patentably independent and distinct inventions based on a feature A and a feature B differentiating said Groups. Claims 7-16 remain withdrawn from consideration.

It is respectfully noted that the July 2, 2003 Office Action recounts a still earlier oral requirement for restriction of June 29, 2003 in which claims 1-6 were collectively identified as Group I and reports the election of said claims.

It is unfortunate that yet another requirement for restriction was issued as the PTO's requirement would appear - from Applicants' perspective - to postpone, *i.e.* delay, prosecution. It is therefore requested that the patent term be extended pursuant to the provisions of the American Inventor's Protection Act ("AIPA") commensurate with such PTO-related delay.

Applicants acknowledge the Examiner's previous indication that 'non-elected' claims will be rejoined upon allowable elected subject matter being determined. Applicants respectfully solicit rejoinder followed by allowability.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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